

Safety Belt Enforcement in Tennessee

Annual Report to the
Tennessee General Assembly



Fred Phillips, Commissioner
February 25, 2005

**Safety Belt Enforcement in Tennessee
Annual Report to the Tennessee General Assembly
in Compliance with Tennessee Code Annotated § 55-9-603**

Executive Summary

This report contains a study conducted for the Tennessee General Assembly in compliance with *Tennessee Code Annotated* § 55-9-603 (k), to supply data collected for the previous five (5) years relating to violations of the Safety Belt Usage law. Chapter 893 of the “Public Acts of 2004” changed Tennessee’s law relating to safety belt usage in passenger vehicles, from a “secondary” to a “primary” use law effective July 1, 2004. Included in the Public Act was a requirement for the Tennessee Department of Safety to file an annual report by March 1 of each year to the 104th, 105th, and 106th sessions of the General Assembly. The report is to “include the number of persons cited for violations of this section, their race, ethnicity, sex, age, and any other information the department deems relevant.”

In compliance with this legislative directive, the Tennessee Department of Safety’s Research, Planning & Development Section reviewed various data from the *Driver History*, *Trooper Ticket*, and *Crash Analysis Reporting System* databases. Since Tennessee does not have a statutory uniform citation law, statewide data is not available on the number of citations issued by all law enforcement agencies for traffic violations.

A review was conducted of all “convictions” reported to the Department’s Financial Responsibility Division by court clerks, for fiscal years 1999-2000 through 2003-2004. Due to delays in reporting convictions to the Department, and posting convictions to the Driver History file the data is more complete utilizing fiscal year (FY) information, rather than calendar year (CY) information for both statewide convictions and Trooper Tickets. Traffic crash restraint usage by vehicle occupants is based upon calendar year data.

Statewide safety belt convictions reported to the Department of Safety (all agencies) decreased from 33,044 in FY 99-00 to 20,458 in FY 03-04, a 38.1% decrease. Adult drivers between the ages of 25-34 represented just less than 30% of all those convicted. White adult males were the most frequently convicted in all five (5) years, representing 57.4% of all adult drivers in FY 03-04, and 81.5% of adult male drivers in FY 03-04. African-American males were the next highest group convicted, representing 9.6% of all adult drivers in FY 03-04, and 13.7% of adult male drivers.

Of all adult drivers, males were the prominent sex convicted, with 70.4% in FY 03-04 compared to 29 % for females (123 convictions were reported with no sex listed). White females were most often convicted of the female adult drivers, with 83.3% in FY 03-04. The next highest was African-American (black) females representing 14.4% of adult female drivers.

Throughout all five years, adult passengers followed generally the same percentage distributions for sex and race (ethnicity).

Tickets issued by Tennessee Highway Patrol personnel were analyzed for fiscal years 2001-2002 through 2003-2004. Although printed tickets used by Troopers have contained age and race for several years, these data elements were not keyed to the Trooper Ticket database until FY 2001-2002. As a result, this report and the 2006 report will contain less than five years' data.

Tennessee Highway Patrol tickets issued for safety belt violations increased slightly from 6,116 in FY 99-00 to 6,234 in FY 00-01, then began a downward trend following the pattern of statewide convictions. From FY 99-00 to FY 03-04, Trooper tickets issued for these violations decreased 44.4%. Adult drivers between the ages of 25-34 were the most frequently ticketed group throughout the five-year period, representing 28.0% in the lowest year (FY 01-02), to the highest of 32.5% in FY 03-04.

Adult male drivers during the three-year period for which race (ethnicity) and sex were available, received an average of almost 75% of the Trooper tickets. Of the adult male drivers, white males were ticketed slightly more than 81% of the time. African-American (black) males were the next highest group with an average of 8%, followed closely by Hispanic males who averaged a little more than 7% of the tickets.

The National Highway Traffic Safety Administration (NHTSA) funds Safety Restraint Usage Surveys each year in every State and U.S. Territory, through the various Governor's Highway Safety Offices. The results are analyzed and published by the National Center for Statistics and Analysis (NCSA). The NCSA established uniform survey criteria, and data analysis methodologies to ensure each state and territory's data were comparable.

In the November 2004 *Traffic Research Facts - Research Note* published by the NCSA, Tennessee was specifically mentioned. The report said, "Tennessee strengthened its belt law to a "primary" enforcement law, effective July 1, 2004. This State saw a jump in use from 68.5% in 2003 to 72.0% in 2004. The 2004 survey was largely conducted before the primary law took effect, and so greater gains may be realized in 2005." Tennessee's survey results indicated a 61.0% usage rate in 1999, then dropped to 59.0% in 2000. In 2001, the rate increased to 68.3%, and had a slight up-and-down trend until the high of 72.0% in 2004. We also expect usage rates to continue to increase with implementation of the primary enforcement provision of the current law.

We would be remiss if traffic crash data were not at least considered in this report. Caution must be used when reviewing crash data, since FY 02-03 and FY 03-04 data are not complete. This is the result of a new crash database and process being implemented in late 2002, which has caused delays in keying data, and some problems with the quality of the data for these periods. However, one fact is known: more than 66% of vehicle occupants fatally injured in Tennessee traffic crashes, are still not restrained!

During the five-year period, police reported safety restraint usage by vehicle occupants in traffic crashes increased. In FY 99-00, police reported that 10.5% of vehicle occupants involved in traffic crashes were not restrained. This percentage decreased through FY 02-03 to 6.0%, then increased to 8.1% in FY03-04. When comparing FY 99-00 to FY 03-04, the numbers indicate a reduction in all injury categories for the percentage of unrestrained drivers: No Injury 7.5% to 4.6%; Possible Injury 17.0% to 9.2%; Non-Incapacitating Injury 29.2% to 19.2%; Incapacitating Injury 49.3% to 34.8%; and, Fatal Injury 71.5% to 66.9%.

Study results suggest that safety belt usage has risen over the past five (5) years, while the number of statewide convictions and Trooper tickets have decreased. In conviction and Trooper ticket data, age, race, and sex appear to maintain stability in the proportion of each across the study period. There does not appear to be any signs of profiling in the enforcement of this law, based upon age, race, or sex.

Background

The Tennessee General Assembly passed Chapter 893 of the “Public Acts of 2004” that among other things, changed Tennessee’s safety belt usage law from a “secondary” to a “primary” enforcement law. This change was effective July 1, 2004, and now allows law enforcement officers to stop a vehicle and issue a safety belt ticket to a driver or passenger in a passenger vehicle (up to 8,500 pounds gross vehicle weight rating). Previously, a vehicle had to be stopped and a citation issued for another offense, before an officer could issue a ticket for a safety belt violation.

Also included in Chapter 893 was an addition to *Tennessee Code Annotated* § 55-9-603, known as a new subsection (k), that requires the Tennessee Department of Safety to file an annual report that contains safety belt ticket data for the previous five (5) years. This report must contain safety belt ticket data that includes the age, race (ethnicity), sex, and other information on persons receiving such tickets.

This study and report complies with this requirement, but extends beyond the basic information and data analysis. We also reviewed data from the National Highway Traffic Safety Administration’s National Center for Statistics and Analysis, and Tennessee traffic crash data for the previous five (5) years.

Scope and Approach

Tennessee does not have a statutory mandated Uniform Traffic Citation program. This means that traffic tickets issued by local law enforcement officers are not reported to a central state database. The only statewide ticket information available is that of tickets issued by the Tennessee Highway Patrol. The Trooper Ticket database contains information on each ticket issued by State Troopers. Data for this report from the Trooper Ticket database was limited due to the fact that race (ethnicity) and sex data were not keyed to this database, until sometime in 2001. Therefore, the “ticket” portion of this report and the 2006 report will contain data for a period less than the five (5) years as required in Chapter 893.

The only available data on safety belt tickets (violations) that includes all law enforcement agencies, comes from the Driver History database. When courts “convict” drivers of traffic offenses, court clerks are required to report convictions to the Department of Safety. A majority of the clerks report convictions as required by law.

The General Assembly authorized the Department of Safety to include other relevant information about safety belts. Included in this report is information on surveys of safety belt usage rates, and also usage of safety belts by occupants of vehicles involved in traffic crashes, as reported by law enforcement officers throughout the State.

Safety Belt Convictions

Safety belt convictions reported by the court clerks to the Department of Safety, were analyzed to determine the numbers and percentages by driver/passenger, age, race (ethnicity), and sex.

Type

In each of the years, drivers were convicted the majority of the time, and we can make the assumption that drivers were ticketed at comparable rates as the convictions. Over 96% of the convictions each year were drivers, although the percentage for passengers increased each year, from 0.7% in FY 99-00 to 3.4% in FY 03-04. (Table 1-1)

Age

Almost 65% of the drivers convicted each year were between the ages of 21-44. Drivers between ages 25-34 represented more than 28% of all convictions each year. Passengers between the ages of 21-44 were also the highest group convicted. Table 1-1

Safety Belt Convictions Reported By Court Clerks
Table 1-1

	FY 99/00		FY 00/01		FY 01/02		FY 02/03		FY 03/04	
Seat Belt - Driver										
15 Years and Under	18	0.1%	12	0.0%	6	0.0%	8	0.0%	6	0.0%
16 Years	267	0.8%	239	0.7%	170	0.6%	148	0.7%	125	0.6%
17 Years	705	2.1%	749	2.1%	552	2.1%	449	2.1%	369	1.9%
18 Years	1,557	4.7%	1,499	4.1%	1,131	4.2%	843	3.9%	860	4.4%
19 Years	2,054	6.3%	2,165	6.0%	1,555	5.8%	1,307	6.0%	1,233	6.2%
20 Years	1,986	6.1%	2,276	6.3%	1,518	5.7%	1,293	6.0%	1,153	5.8%
21-24 Years	6,075	18.5%	6,678	18.5%	5,179	19.4%	4,273	19.7%	3,818	19.3%
25-34 Years	9,649	29.4%	10,419	28.8%	7,697	28.9%	6,277	28.9%	5,580	28.2%
35-44 Years	5,793	17.7%	6,600	18.3%	4,655	17.5%	3,685	17.0%	3,450	17.5%
45-54 Years	2,953	9.0%	3,407	9.4%	2,565	9.6%	2,093	9.6%	1,882	9.5%
55-64 Years	1,235	3.8%	1,484	4.1%	1,167	4.4%	945	4.3%	948	4.8%
65-74 Years	411	1.3%	489	1.4%	359	1.3%	325	1.5%	257	1.3%
75 Years and Older	105	0.3%	126	0.3%	109	0.4%	79	0.4%	75	0.4%
	32,808	99.3%	36,143	97.7%	26,663	97.7%	21,725	97.4%	19,756	96.6%
Seat Belt - Passenger										
15 Years and Under	0	0.0%	2	0.2%	0	0.0%	0	0.0%	1	0.1%
16 Years	2	0.8%	88	10.5%	38	6.1%	28	4.9%	22	3.1%
17 Years	7	3.0%	212	25.4%	75	11.9%	78	13.6%	63	9.0%
18 Years	13	5.5%	125	15.0%	65	10.4%	97	16.9%	67	9.5%
19 Years	14	5.9%	54	6.5%	42	6.7%	54	9.4%	59	8.4%
20 Years	16	6.8%	32	3.8%	30	4.8%	38	6.6%	39	5.6%
21-24 Years	41	17.4%	92	11.0%	94	15.0%	93	16.2%	115	16.4%
25-34 Years	67	28.4%	100	12.0%	124	19.7%	83	14.5%	184	26.2%
35-44 Years	46	19.5%	91	10.9%	103	16.4%	60	10.5%	75	10.7%
45-54 Years	21	8.9%	24	2.9%	32	5.1%	30	5.2%	52	7.4%
55-64 Years	7	3.0%	8	1.0%	21	3.3%	12	2.1%	17	2.4%
65-74 Years	2	0.8%	5	0.6%	3	0.5%	0	0.0%	7	1.0%
75 Years and Older	0	0.0%	2	0.2%	1	0.2%	1	0.2%	1	0.1%
	236	0.7%	835	2.3%	628	2.3%	574	2.6%	702	3.4%
	33,044		36,978		27,291		22,299		20,458	

Source: Driver History File - January 11, 2005

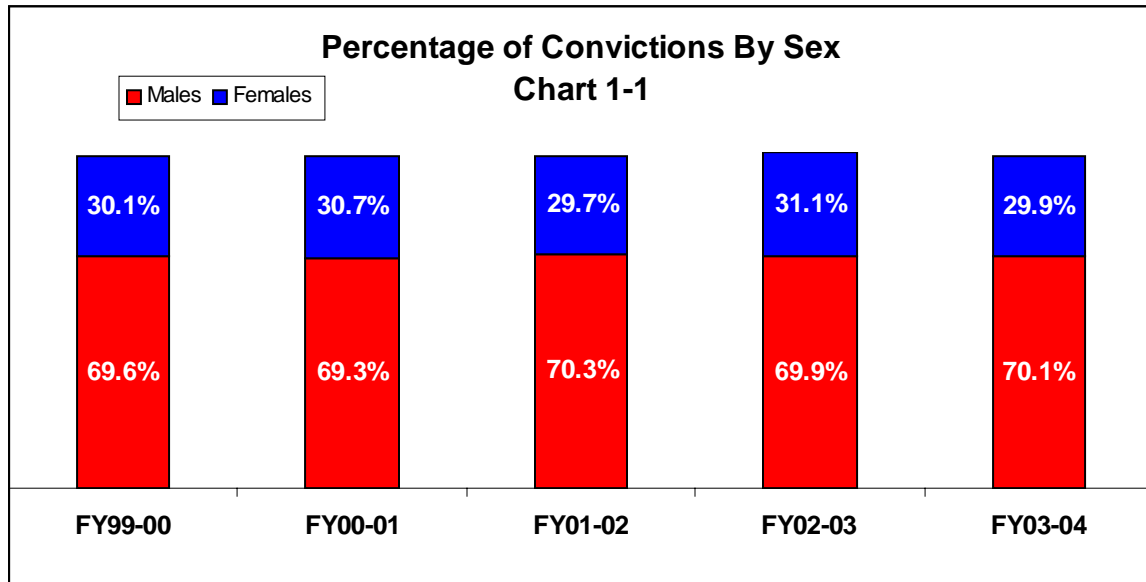
Sex and Race

The majority of all convictions reported to the Department were males. Males represented an average of 70% of the drivers convicted, and 65% of the passengers. (Chart 1-1) (Table 1-2)

White males were the predominant sex and race (ethnicity) of both drivers and passengers, and white females were the most predominant race (ethnicity) of both the female drivers and female passengers. (Table 1-2)

African-American males represented an average of slightly more than 12% of the male drivers convicted each year, from a low of 12.0% on FY 01-02, to a high of 13.7% in FY 03-04. Hispanic males were the next group with a low of 1.7% in FY 99-00 increasing each year to the high of 3.5% in FY 03-04.

White females represented more than 83% of the female drivers, with African-American females averaging 14% of the female drivers.



Safety Belt Convictions Reported By Court Clerke By Type, Sex, and Race (Ethnicity)
Table 1-2

FY 99/00			FY 00/01		FY 01/02		FY 02/03		FY 03/04	
Seat Belt - Driver										
Female	9,846	30.0%	10,964	30.3%	7,772	29.1%	6,390	29.4%	5,735	29.0%
Asian	16	0.2%	41	0.4%	18	0.2%	17	0.3%	22	0.4%
Black	1,422	14.4%	1,593	14.5%	1,072	13.8%	877	13.7%	825	14.4%
Hispanic	67	0.7%	98	0.9%	90	1.2%	67	1.0%	70	1.2%
Indian	14	0.1%	19	0.2%	21	0.3%	13	0.2%	17	0.3%
White	8,286	84.2%	9,162	83.6%	6,537	84.1%	5,394	84.4%	4,777	83.3%
Other	41	0.4%	51	0.5%	34	0.4%	22	0.3%	24	0.4%
Male	22,859	69.7%	25,045	69.3%	18,788	70.5%	15,201	70.0%	13,897	70.3%
Asian	88	0.4%	110	0.4%	69	0.4%	62	0.4%	57	0.4%
Black	2,994	13.1%	3,186	12.7%	2,259	12.0%	1,870	12.3%	1,905	13.7%
Hispanic	400	1.7%	509	2.0%	511	2.7%	469	3.1%	487	3.5%
Indian	42	0.2%	46	0.2%	32	0.2%	29	0.2%	31	0.2%
White	19,238	84.2%	21,078	84.2%	15,824	84.2%	12,683	83.4%	11,329	81.5%
Other	97	0.4%	116	0.5%	93	0.5%	88	0.6%	88	0.6%
Unknown Sex	103		134		103		134		124	
	32,808		36,143		26,663		21,725		19,756	
Seat Belt - Passenger										
Female	84	35.6%	261	31.3%	221	35.2%	192	33.4%	255	36.3%
Asian	0	0.0%	1	0.4%	0	0.0%	1	0.5%	1	0.4%
Black	25	29.8%	24	9.2%	27	12.2%	23	12.0%	22	8.6%
Hispanic	0	0.0%	1	0.4%	2	0.9%	3	1.6%	1	0.4%
Indian	0	0.0%	0	0.0%	1	0.5%	0	0.0%	1	0.4%
White	59	70.2%	232	88.9%	190	86.0%	162	84.4%	225	88.2%
Other	0	0.0%	3	1.1%	1	0.5%	3	1.6%	5	2.0%
Male	151	64.0%	569	68.1%	400	63.7%	376	65.5%	445	63.4%
Asian	0	0.0%	4	0.7%	1	0.3%	5	1.3%	3	0.7%
Black	26	17.2%	46	8.1%	46	11.5%	32	8.5%	50	11.2%
Hispanic	4	2.6%	11	1.9%	14	3.5%	12	3.2%	14	3.1%
Indian	2	1.3%	2	0.4%	0	0.0%	2	0.5%	1	0.2%
White	119	78.8%	504	88.6%	337	84.3%	324	86.2%	376	84.5%
Other	0	0.0%	2	0.4%	2	0.5%	1	0.3%	1	0.2%
Unknown Sex	1		5		7		6		2	
	236		835		628		574		702	

Source: Driver History File - January 11, 2005

Trooper Tickets for Safety Belt Violations

As explained previously, printed paper copies of Trooper tickets have contained race and sex for several years, but the Trooper Ticket database did not have this data until 2001. Therefore, this information was available to analyze only from FY 01-02 forward.

Table 2-1 shows the number of Trooper tickets issued by type (driver/passenger) and age.

Type

Trooper tickets followed the statewide conviction pattern with the overwhelming majority issued to drivers. Drivers received over 98% of all Trooper tickets issued during the five-year period.

Trooper Tickets Issued for Safety Belt Violations
Table 2-1

	FY 99/00	FY 00/01	FY 01/02	FY 02/03	FY 03/04
Seat Belt - Driver					
15 Years and Under	11 0.2%	0 0.0%	11 0.2%	10 0.3%	19 0.6%
16 Years	99 1.6%	68 1.1%	51 1.1%	55 1.4%	49 1.5%
17 Years	166 2.7%	145 2.4%	111 2.5%	123 3.1%	67 2.0%
18 Years	359 5.9%	341 5.6%	245 5.5%	207 5.2%	189 5.7%
19 Years	357 5.9%	311 5.1%	307 6.9%	219 5.5%	157 4.7%
20 Years	312 5.1%	344 5.6%	228 5.1%	179 4.5%	180 5.4%
21-24 Years	1,100 18.1%	1,171 19.2%	876 19.7%	835 20.9%	558 16.7%
25-34 Years	1,858 30.6%	1,809 29.7%	1,245 28.0%	1,136 28.5%	1,085 32.5%
35-44 Years	984 16.2%	1,092 17.9%	730 16.4%	631 15.8%	522 15.6%
45-54 Years	483 7.9%	512 8.4%	379 8.5%	336 8.4%	296 8.9%
55-64 Years	190 3.1%	169 2.8%	145 3.3%	149 3.7%	121 3.6%
65-74 Years	69 1.1%	65 1.1%	64 1.4%	70 1.8%	45 1.3%
75 Years and Older	55 0.9%	36 0.6%	42 0.9%	33 0.8%	51 1.5%
Unknown	33 0.5%	35 0.6%	10 0.2%	6 0.2%	0 0.0%
Total	6,076	6,098	4,444	3,989	3,339
Seat Belt - Passenger					
15 Years and Under	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
16 Years	0 0.0%	29 21.3%	7 11.5%	6 8.7%	6 10.2%
17 Years	0 0.0%	54 39.7%	9 14.8%	17 24.6%	4 6.8%
18 Years	0 0.0%	0 0.0%	11 18.0%	9 13.0%	9 15.3%
19 Years	0 0.0%	3 2.2%	6 9.8%	2 2.9%	6 10.2%
20 Years	0 0.0%	0 0.0%	3 4.9%	6 8.7%	1 1.7%
21-24 Years	9 22.5%	18 13.2%	9 14.8%	5 7.2%	7 11.9%
25-34 Years	9 22.5%	16 11.8%	10 16.4%	5 7.2%	12 20.3%
35-44 Years	17 42.5%	13 9.6%	5 8.2%	19 27.5%	10 16.9%
45-54 Years	2 5.0%	1 0.7%	0 0.0%	0 0.0%	4 6.8%
55-64 Years	2 5.0%	2 1.5%	0 0.0%	0 0.0%	0 0.0%
65-74 Years	1 2.5%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
75 Years and Older	0 0.0%	0 0.0%	1 1.6%	0 0.0%	0 0.0%
Unknown	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
Total	40	136	61	69	59
	6,116	6,234	4,505	4,058	3,398

Source: Driver History File - January 11, 2005

Age

Continuing the pattern of convictions, Troopers ticketed 25-34 year-old drivers more than any other age group, and ages 21-44 received more than 60% of the tickets issued to drivers.

Sex and Race

Males were ticketed in more than 70% of the drivers, increasing from 72.8% in FY 01-02 to 76.1% in FY 03-04.

Table 2-2 shows the numbers and percentages of Trooper tickets for safety belt violations by type, sex, and race.

Of the drivers receiving tickets from Troopers, white males received more than 80% of them in each of the three (3) years, and African-American males received just slightly more than an average of 8% of the tickets issued to male drivers. Hispanics males were ticketed 6.5%, 8.8%, and 7.4% in each of the three years, respectively.

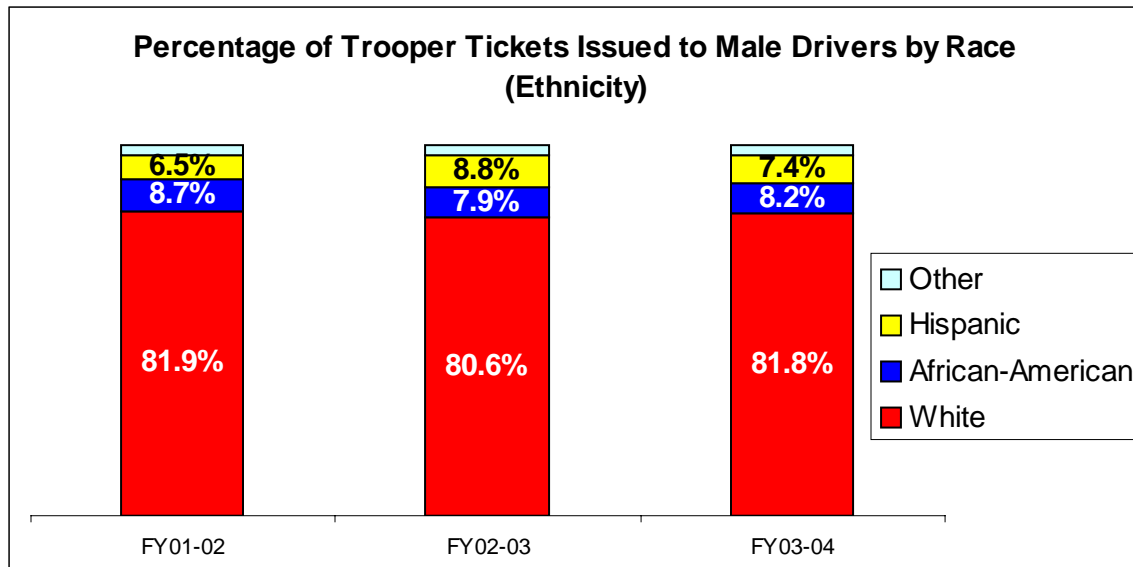
White females received more than 85% of the tickets issued to female drivers, in each of the three years.

Trooper Tickets Issued for Safety Belt Violations By Type, Sex, and Race (Ethnicity)
Table 2-2

FY01/02			FY 02/03		FY 03/04	
Seat Belt - Driver						
Female	1,207	27.2%	1,034	25.9%	790	23.7%
Asian	3	0.2%	1	0.1%	0	0.0%
Black	125	10.4%	119	11.5%	84	10.6%
Hispanic	10	0.8%	16	1.5%	8	1.0%
Indian	0	0.0%	0	0.0%	4	0.5%
White	1,049	86.9%	888	85.9%	691	87.5%
Other	20	1.7%	10	1.0%	3	0.4%
Male	3,235	72.8%	2,949	73.9%	2,537	76.1%
Asian	9	0.3%	11	0.4%	7	0.3%
Black	283	8.7%	234	7.9%	207	8.2%
Hispanic	211	6.5%	259	8.8%	189	7.4%
Indian	2	0.1%	0	0.0%	2	0.1%
White	2,651	81.9%	2,378	80.6%	2,076	81.8%
Other	79	2.4%	67	2.3%	56	2.2%
Unknown Sex	2		6		8	
	4,444		3,989		3,335	
Seat Belt - Passenger						
Female	19	31.1%	33	47.8%	20	31.7%
Asian	0	0.0%	0	0.0%	0	0.0%
Black	0	0.0%	5	15.2%	3	15.0%
Hispanic	0	0.0%	5	15.2%	0	0.0%
Indian	0	0.0%	0	0.0%	0	0.0%
White	19	100.0%	19	57.6%	17	85.0%
Other	0	0.0%	4	12.1%	0	0.0%
Male	42	68.9%	36	52.2%	43	68.3%
Asian	0	0.0%	0	0.0%	0	0.0%
Black	2	4.8%	1	2.8%	10	23.3%
Hispanic	3	7.1%	7	19.4%	0	0.0%
Indian	0	0.0%	0	0.0%	0	0.0%
White	31	73.8%	28	77.8%	33	76.7%
Other	6	14.3%	0	0.0%	0	0.0%
	61		69		63	

Source: Trooper Ticket File

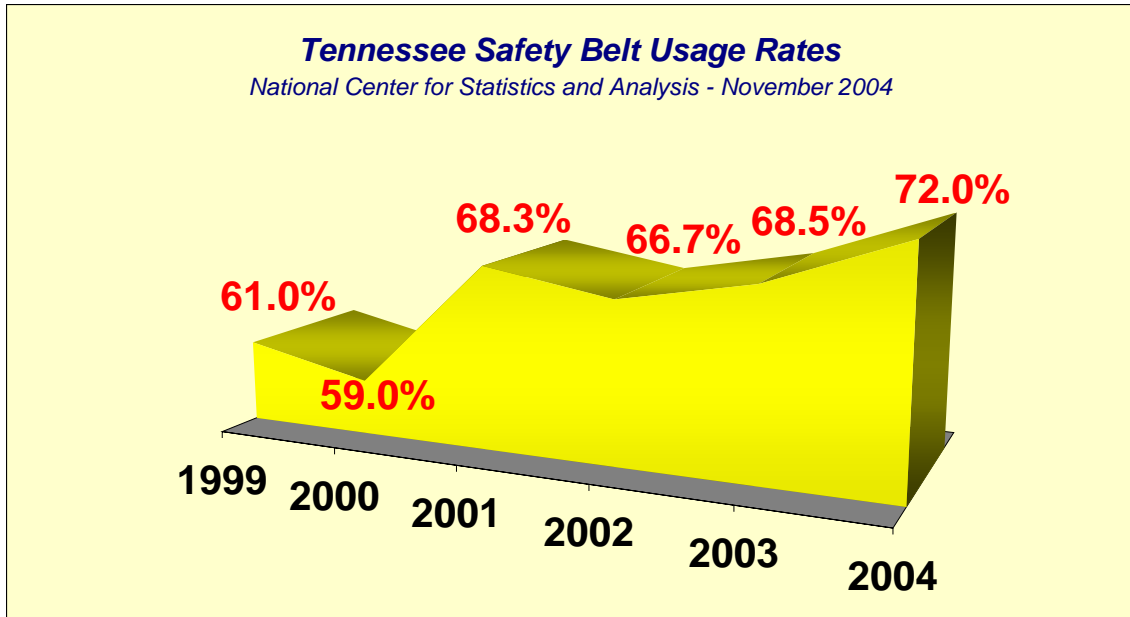
The chart below shows the distribution of Trooper tickets issued to male drivers by race (ethnicity).



Safety Belt Surveys

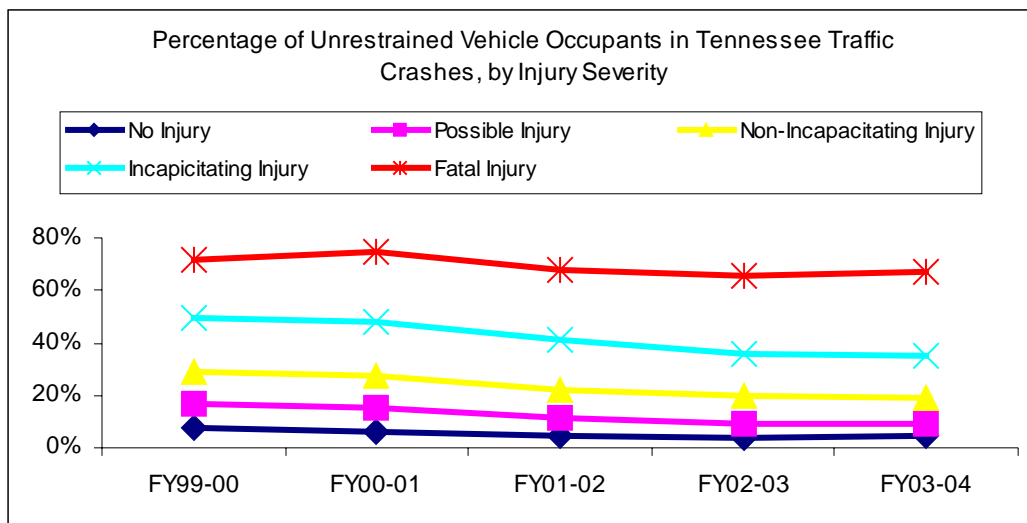
The National Highway Traffic Safety Administration commissions and funds standardized safety belt usage surveys each year in every State and U.S. Territory, through the various Governor's Highway Safety Offices. Results of the surveys are analyzed by the National Center for Statistics and Analysis, and then published in the U.S. Department of Transportation's "*Traffic Safety Facts - Research Note*."

The chart on the following page shows the survey results for Tennessee for calendar years 1999 through 2004. As stated in the report, the majority of Tennessee's survey data for 2004 was obtained to the effective date of the primary enforcement provision (July 1, 2004), and the 2005 usage rates are expected to increase as a result. A copy of the above-referenced publication is attached.



Tennessee Traffic Crashes

During the five-year period, police reported safety restraint usage by vehicle occupants in traffic crashes increased. In FY 99-00, police reported that 10.5% of vehicle occupants involved in traffic crashes were not restrained. This percentage decreased through FY 02-03 to 6.0%, then increased to 8.1% in FY03-04. When comparing FY 99-00 to FY 03-04, the numbers indicate a reduction in all injury categories for the percentage of unrestrained drivers: No Injury 7.5% to 4.6%; Possible Injury 17.0% to 9.2%; Non-Incapacitating Injury 29.2% to 19.2%; Incapacitating Injury 49.3% to 34.8%; and, Fatal Injury 71.5% to 66.9%.



Vehicle Occupant Restraint Usage in Traffic Crashes By Injury Severity
Table 3-1

	FY 99/00		FY 00/01		FY 01/02		FY 02/03		FY 03/04		Total	
No Injury												
No Restraint	22,052	7.5%	18,090	6.1%	13,342	4.4%	11,851	4.0%	5,489	4.6%	70,824	5.4%
Restraint	273,850	92.5%	279,134	93.9%	291,854	95.6%	284,473	96.0%	114,504	95.4%	1,243,815	94.6%
Possible Injury												
No Restraint	6,257	17.0%	5,472	15.1%	4,225	11.3%	3,372	9.5%	2,929	9.2%	22,255	12.5%
Restraint	30,634	83.0%	30,857	84.9%	33,052	88.7%	32,005	90.5%	28,765	90.8%	155,313	87.5%
Non-Incapacitating Injury												
No Restraint	6,218	29.2%	5,640	27.4%	4,530	22.2%	3,583	19.6%	3,424	19.2%	23,395	23.8%
Restraint	15,083	70.8%	14,926	72.6%	15,878	77.8%	14,680	80.4%	14,373	80.8%	74,940	76.2%
Incapacitating Injury												
No Restraint	2,693	49.3%	2,368	47.7%	2,029	41.0%	1,827	35.6%	1,775	34.8%	10,692	41.7%
Restraint	2,771	50.7%	2,601	52.3%	2,924	59.0%	3,309	64.4%	3,319	65.2%	14,924	58.3%
Fatal Injury												
No Restraint	712	71.5%	723	74.5%	639	67.5%	558	65.3%	621	66.8%	3,253	69.3%
Restraint	284	28.5%	247	25.5%	308	32.5%	296	34.7%	308	33.2%	1,443	30.7%
Total												
No Restraint	37,932	10.5%	32,293	9.0%	24,765	6.7%	21,191	6.0%	14,238	8.1%	130,419	8.0%
Restraint	322,622	89.5%	327,765	91.0%	344,016	93.3%	334,763	94.0%	161,269	91.9%	1,490,435	92.0%

Source: Tennessee Crash Reporting System & TennCARS - January 20, 2005
NOTE: 2002 through 2004 are preliminary

Attachment 1

Tennessee Code Annotated §55-9-603

55-9-603. Use of safety belts in passenger vehicles - Violations - Penalties - Arrest - Applicability.

(a) (1) No person shall operate a passenger motor vehicle on any highway, as defined § [55-8-101\(22\)](#), in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(2) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway, as defined in § [55-8-101\(22\)](#), in this state, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) (1) The provisions of this section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(2) If the vehicle is equipped with a rear seat which is capable of folding, the provisions of this section shall only apply to front seat passengers and the operator if the back seat is in the fold down position.

(c) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less, that is not used as a public or livery conveyance for passengers. "Passenger car" or "passenger motor vehicle" does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

(d) (1) A violation of this section is a Class C misdemeanor. All proceeds from the fines imposed by this subsection (d) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible handicapped individuals as defined in § [49-11-602\(3\)](#) who have been severely injured in motor vehicle accidents.

(2) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the clerk of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed.

(3) (A) Notwithstanding subdivision (d)(2) to the contrary, a person charged with a violation of subsection (i) may, in lieu of appearance in court, submit a fine of twenty dollars (\$20.00) to the clerk of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed.

(B) Notwithstanding any provision of subdivision (d)(1) to the contrary, the revenue generated by ten dollars (\$10.00) of the twenty dollar (\$20.00) fine under subdivision (d)(3)(A) for a person's first conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. The remaining ten dollars (\$10.00) of such twenty dollar (\$20.00) fine for such person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subdivision (d)(1).

(C) The revenue generated from such person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subdivision (d)(1).

(e) No clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to the provisions of [title 67, chapter 4](#), part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(f) (1) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(2) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(g) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall such violation be construed as any other offense under the provisions of this title.

(h) This section does not apply to:

(1) A passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt; provided, that such condition is duly certified in writing by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate;

(2) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(3) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if such dealership customarily test-drives fifty (50) or more motor vehicles a day, and if such test-drives occur within one (1) mile of the location of the dealership;

(4) Utility workers, water, gas and electric meter readers in the course of their employment;

(5) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(6) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(7) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph); or

(8) A vehicle crossing a highway from one field to another if operated at less than fifteen miles per hour (15 mph).

(i) (1) Notwithstanding any provision of this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(2) Notwithstanding subdivision (b)(1), the provisions of this subsection (i) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

(3) Notwithstanding subdivision (f)(1), a law enforcement officer observing a violation of this subsection (i) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (i).

(j) Notwithstanding the provisions of subsection (b), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in this state unless such person and all passengers between the ages of four (4) and seventeen (17) years of age are restrained by a safety belt at all times the vehicle is in forward motion.

(k) The department of safety shall file a report by March 1 of each year to the 104th, 105th, and 106th general assembly on data collected for the prior five (5) years by the department relating to violations of this section. Such data shall include the number of persons cited for violations of this section, their race, ethnicity, sex, age, and any other information the department deems relevant.

[Acts 1986, ch. 866, §§ 3, 4, 7, 8, 11; 1989, ch. 591, § 113; 1994, ch. 661, §§ 2, 4; 2000, ch. 700, § 3; 2000, ch. 945, §§ 2-4; 2004, ch. 893, §§ 1-5.]

Attachment 2

Traffic Safety Facts – Research Note
November 2004

Traffic Safety Facts

Research Note



November 2004

DOT HS 809 813

Safety Belt Use in 2004 – Use Rates in the States and Territories

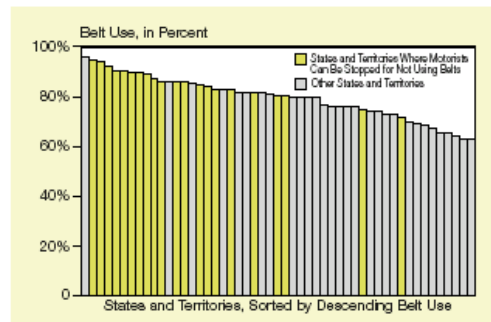
Donna Glassbrenner, Ph.D.

In 2004, safety belt use in the U.S. ranged from 63.2% use in Mississippi to 95.3% in Arizona. These results are from probability-based observational surveys conducted by 51 States and Territories in accordance with criteria established by the National Highway Traffic Safety Administration (NHTSA) to ensure reliable results. Compliance with the criteria is verified annually by NHTSA's National Center for Statistics and Analysis.

The 2004 surveys also found the following:

- Seven States and Territories achieved use rates of 90% or higher, namely Arizona, Hawaii, Washington, Oregon, Michigan, California, and Puerto Rico.
- Arizona, Hawaii, Michigan, and Nevada exhibited the greatest improvement, each reducing belt nonuse by 30% or more during the period 2003 – 2004.
- Use rates in jurisdictions with stricter belt enforcement laws continue to exhibit generally higher use rates than those less able to enforce their laws.

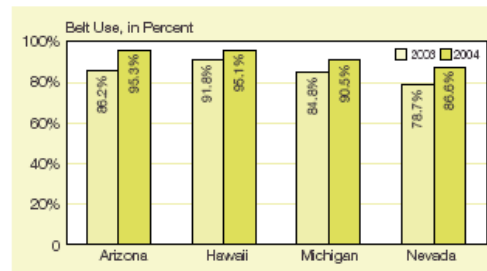
Chart 1
Safety Belt Use in 2004, by Strength of Enforcement Law



Source: Surveys conducted in accordance with Section 157, Title 23, U.S. Code

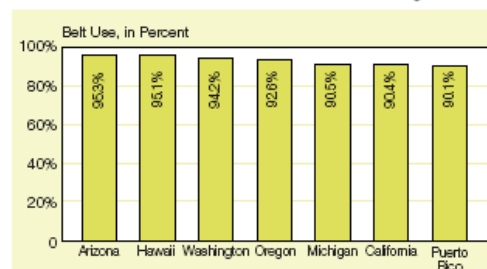
- Tennessee strengthened its belt law to a "primary" enforcement law, effective July 2004. This State saw a jump in use from 68.5% in 2003 to 72.0% in 2004. The 2004 survey was largely conducted before the primary law took effect, and so greater gains may be realized in 2005.

Chart 2
States and Territories that Reduced Belt Nonuse by 30% or More



Source: Surveys conducted in accordance with Section 157, Title 23, U.S. Code

Chart 3
States and Territories with Use Rates of 90% or Higher



Source: Surveys conducted in accordance with Section 157, Title 23, U.S. Code

Table 1

Safety Belt Use in States, Territories, and Nationwide, 1998-2004

Jurisdiction ¹	1998	1999	Reduction in Nonuse 1998-1999	2000	Reduction in Nonuse 1999-2000	2001	Reduction in Nonuse 2000-2001	2002	Reduction in Nonuse 2001-2002	2003	Reduction in Nonuse 2002-2003	2004	Reduction in Nonuse 2003-2004
Alabama	52.0%	57.9%	13%	70.6%	30%	79.4%	30%	78.7%	-3%	77.4%	-6%	80.0%	12%
Alaska	57.0%	60.6%	8%	61.0%	1%	62.6%	4%	65.8%	9%	78.9%	38%	78.7%	-10%
Arizona	61.5%	71.1%	25%	75.2%	14%	74.4%	-3%	73.7%	-3%	86.2%	48%	95.3%	66%
Arkansas	52.6%	57.2%	10%	52.4%	-11%	54.5%	4%	63.7%	20%	62.8%	-2%	64.2%	4%
California	88.6%	89.3%	6%	88.9%	-4%	91.1%	20%	91.1%	0%	91.2%	1%	90.4%	-9%
Colorado	66.0%	65.2%	-2%	65.1%	0%	72.1%	20%	73.2%	4%	77.7%	17%	79.3%	7%
Connecticut	70.1%	72.9%	9%	76.3%	13%	78.0%	7%	78.0%	0%	78.0%	0%	82.9%	22%
Delaware	62.3%	64.4%	6%	66.1%	5%	67.3%	4%	71.2%	12%	74.9%	13%	82.3%	29%
Dist. Of Columbia	79.6%	77.9%	-8%	82.6%	21%	83.6%	6%	84.6%	6%	84.9%	2%	87.1%	15%
Florida	57.2%	59.0%	4%	64.8%	14%	69.5%	13%	75.1%	18%	72.6%	-10%	78.3%	14%
Georgia	73.6%	74.2%	2%	73.6%	-2%	79.0%	20%	77.0%	-10%	84.5%	33%	86.7%	14%
Hawaii	80.5%	80.3%	-1%	80.4%	1%	82.5%	11%	90.4%	45%	91.8%	15%	95.1%	40%
Idaho	57.3%	57.9%	1%	58.6%	2%	60.4%	4%	62.9%	6%	71.7%	24%	74.0%	8%
Illinois	64.5%	65.9%	4%	70.2%	13%	71.4%	4%	73.8%	8%	80.1%	24%	83.0%	15%
Indiana	61.8%	57.3%	-12%	62.1%	11%	67.4%	14%	72.2%	15%	82.3%	36%	83.4%	6%
Iowa	76.9%	78.0%	5%	78.0%	0%	80.9%	13%	82.4%	8%	86.8%	25%	86.4%	-3%
Kansas	58.7%	62.6%	9%	61.6%	-3%	60.8%	-2%	61.3%	1%	63.6%	6%	68.3%	13%
Kentucky	54.3%	58.6%	9%	60.0%	3%	61.9%	5%	62.0%	0%	65.5%	9%	66.0%	1%
Louisiana	65.6%	67.0%	4%	68.2%	4%	68.1%	0%	66.6%	2%	73.8%	17%	75.0%	5%
Maine	61.3%	*	*	*	*	*	*	*	*	*	*	72.3%	*
Maryland	82.6%	82.7%	1%	85.0%	13%	82.9%	-14%	85.8%	17%	87.9%	15%	89.0%	9%
Massachusetts	51.0%	52.0%	2%	50.0%	-4%	56.0%	12%	51.0%	-11%	61.7%	22%	63.3%	4%
Michigan	69.9%	70.1%	1%	83.5%	45%	82.3%	-7%	82.9%	3%	84.8%	11%	90.5%	38%
Minnesota	64.2%	71.5%	20%	73.4%	7%	73.9%	2%	80.1%	24%	79.4%	-4%	82.1%	13%
Mississippi	58.0%	54.5%	-8%	50.4%	-9%	61.6%	23%	62.0%	1%	62.2%	1%	63.2%	3%
Missouri	60.4%	60.8%	1%	67.7%	18%	67.9%	1%	69.4%	5%	72.9%	11%	75.9%	11%
Montana	73.1%	74.0%	3%	75.6%	6%	76.3%	3%	78.4%	9%	79.5%	5%	80.9%	7%
Nebraska	65.1%	67.9%	8%	70.5%	8%	70.2%	-1%	69.7%	-2%	76.1%	21%	79.2%	13%
Nevada	76.2%	79.8%	15%	78.5%	-6%	74.5%	-19%	74.9%	2%	78.7%	15%	86.6%	37%
New Hampshire	*	*	*	*	*	*	*	*	*	49.6% ²	*	*	*
New Jersey	63.0%	63.3%	1%	74.2%	30%	77.6%	13%	80.5%	13%	81.2%	4%	82.0%	4%
New Mexico	82.6%	88.4%	33%	86.6%	-16%	87.8%	9%	87.6%	-2%	87.2%	-3%	89.7%	20%
New York	75.3%	76.1%	3%	77.3%	5%	80.3%	13%	82.8%	13%	84.6%	10%	85.0%	3%
North Carolina	76.7%	78.1%	6%	80.5%	11%	82.7%	11%	84.1%	8%	86.1%	13%	86.1%	0%
North Dakota	40.0%	46.7%	11%	47.7%	2%	57.9%	20%	63.4%	13%	63.7%	1%	67.4%	10%
Ohio	60.6%	64.8%	11%	65.3%	1%	66.9%	5%	70.3%	10%	74.7%	15%	74.1%	-2%
Oklahoma	56.0%	60.7%	11%	67.5%	17%	67.9%	1%	70.1%	7%	76.7%	22%	80.3%	15%
Oregon	82.6%	82.7%	1%	83.6%	5%	87.5%	24%	88.2%	6%	90.4%	19%	92.6%	23%
Pennsylvania	67.8%	69.7%	6%	70.7%	3%	70.5%	-1%	75.7%	18%	79.0%	14%	81.8%	13%
Rhode Island	58.6%	67.3%	21%	64.4%	-9%	63.2%	-3%	70.8%	21%	74.2%	12%	76.2%	8%
South Carolina	64.8%	65.2%	1%	73.9%	25%	69.6%	-16%	66.3%	-11%	72.8%	19%	65.7%	-26%
South Dakota	45.7%	*	*	53.4%	*	63.3%	21%	64.0%	2%	69.9%	16%	69.4%	-2%
Tennessee	56.7%	61.0%	10%	59.0%	-5%	68.3%	23%	66.7%	-5%	68.5%	5%	72.0%	11%
Texas	74.4%	74.0%	-2%	76.6%	10%	76.1%	-2%	81.1%	21%	84.3%	17%	83.2%	-7%
Utah	66.7%	67.4%	2%	75.7%	25%	77.8%	9%	80.1%	10%	85.2%	26%	85.7%	3%
Vermont	62.7%	69.8%	19%	61.6%	-27%	67.4%	15%	84.9%	54%	82.4%	-17%	79.9%	-14%
Virginia	73.6%	69.9%	-14%	69.9%	0%	72.3%	8%	70.4%	-7%	74.6%	14%	79.9%	21%
Washington	79.1%	81.1%	10%	81.6%	3%	82.6%	5%	92.6%	57%	94.8%	30%	94.2%	-12%
West Virginia	56.5%	51.9%	-11%	49.8%	-4%	52.3%	5%	71.6%	40%	73.6%	7%	75.8%	8%
Wisconsin	61.9%	65.1%	8%	65.4%	1%	68.7%	10%	66.1%	-8%	69.8%	11%	72.4%	9%
Wyoming	50.1%	*	*	66.8%	*	*	*	66.6%	*	*	*	70.1%	*
Puerto Rico	78.3%	77.8%	-2%	87.0%	41%	83.1%	-30%	90.5%	44%	87.1%	-36%	90.1%	23%
Nationwide	62-70%	67%	NA	71%	12%	73%	7%	75%	7%	79%	16%	80%	5%

Source: Rates in States and Territories are from surveys conducted in accordance with Section 157, Title 23, U.S. Code. The national figures are from NHTSA's National Occupant Protection Use Survey.

¹ Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded, although the law might not have yet taken effect when the survey was conducted. An asterisk indicates that the State or Territory did not report a rate compliant with Section 157.

² The 2003 rate for New Hampshire was not reported by the State. It was obtained by Preusser Research Group using methods compliant with Section 157.

Table 2
Key Provisions of Safety Belt Use Laws

State or Territory ¹	Type of Law ²	Penalty		Coverage		
		Fine ³	Points	Seating Positions	Persons	Vehicles Exempted
Alabama	Primary	\$25		Front	Ages 4+, except those with medical reasons	Vehicles designed for more than 10 passengers, those delivering newspapers and rural mail, and vehicles manufactured before 1965
Alaska	Secondary	\$15		All	Ages 16+, except those with medical reasons	School buses, and vehicles not required to have safety belts
Arizona	Secondary	\$10		All	Ages 5+	Vehicles designed for >10 passengers, or manufactured before 1972
Arkansas	Secondary	\$25		Front	All	School, church, and public buses; vehicles manufactured before 1966
California	Primary	\$20		All	Ages 16+	None
Colorado	Secondary if driver is over 16, primary if driver is under 17	\$15		Ages 16+ in the front seat if driver is over 16; all ages and seats if driver is 16		Buses
Connecticut	Primary	\$37		All in the front seat and those under 16 in all seats		Trucks and buses over 15,000 lbs.
Delaware	Primary	\$25		All	Ages 16+	Postal vehicles
Dist. Of Columbia	Primary	\$50	2	All	Ages 16+	Vehicles designed for >8 passengers
Florida	Secondary	\$30		Ages 18+ in the front seat and ages 6-17 in all seats		School buses, public buses, and trucks >5,000 lbs.
Georgia	Primary	\$15		Ages 18+ in the front seat, and ages 5-17 in all seats		Vehicles designed for >10 passengers, pickup trucks, off-road vehicles, rural letter carriers, and emergency vehicles
Hawaii	Primary	\$45		Ages 18+ in the front seat and ages 4-17 in all seats		Buses and school buses over 10,000 lbs.
Idaho	Secondary	\$10		All	All, except those with medical reasons	School buses, vehicles delivering mail and newspapers, and vehicles not required to have safety belts
Illinois	Primary	\$25		Front	Ages 16+, except those with medical or physical reasons	Emergency vehicles and vehicles making frequent stops
Indiana	Primary	\$25		Ages 12+ in the front seat and ages 4-11 in all seats		Trucks, tractors, and recreational vehicles
Iowa	Primary	\$25		Front	Age 6+	None
Kansas	Secondary	\$10		Front	Ages 14+	Vehicles designed for >10 people, and trucks over 12,000 lbs.
Kentucky	Secondary	\$25		All	Persons over 40 inches tall	Vehicles designed for >10 people, and trucks over 12,000 lbs.

Table 2
Key Provisions of Safety Belt Use Laws (continued)

State or Territory ¹	Type of Law ²	Penalty		Coverage		
		Fine ³	Points	Seating Positions	Persons	Vehicles Exempted
Louisiana	Primary	\$25 - \$50		Front	All	Vehicles manufactured before 1981, and those designed for >10 people
Maine	Secondary	\$25 - \$50		All	Ages 5+	Vehicles manufactured without seat belts
Maryland	Primary	\$25		Driver and right front seat	Ages 16+, except those with a written medical excuse	Vehicles designated as historic and taxis
Massachusetts	Secondary	\$25		All	Ages 5+, except taxi	Trucks over 18,000 lbs. and bus drivers
Michigan	Primary	\$25		Ages 16+ in the front seat and ages 4-15 in all seats		Taxis, buses, and military, emergency, farm, and parade vehicles
Minnesota	Secondary	\$25		Ages 11+ in the front seat and ages 4-10 in all seats		Pickup trucks used as farm vehicles
Mississippi	Secondary	\$25		Ages 8+ in the front seat and ages 4-17 in all seats, except people with medical reasons		Farm vehicles, letter carriers, and buses
Missouri	Secondary for ages 16+; primary for those under 16	\$10		Ages 12+ in the front seat and those under 12 in all seats		Vehicles designed for >10 people, those used for agricultural purposes, trucks over 12,000 lbs, and postal vehicles
Montana	Secondary	\$20		All	Ages 4+	None
Nebraska	Secondary	\$25		Ages 16+ in the front seat and ages 6-15 in all seats		Vehicles manufactured before 1973
Nevada	Secondary	\$25		All	Ages 6+	Taxis and buses
New Hampshire	No law for ages 18+; primary for those under 18	\$25		All	Persons under 18 years old.	School buses, vehicles for hire, and vehicles manufactured before 1966
New Jersey	Primary	\$42		Ages 18+ in the front seat and those ages 6-17 that are over 80 lbs in all seats, except persons with medical reasons		Vehicles manufactured before 1966, those not required to have safety belts, and rural letter carriers
New Mexico	Primary	\$25	2	All	All	Vehicles over 10,000 lbs.
New York	Primary	\$50 or more	3	Ages 16+ in the front seat and those under 16 in all seats		Buses, taxis, emergency vehicles, and rural letter carriers
North Carolina	Primary	\$25		Front, except positions without a belt if all belted positions are occupied	Ages 16+, except those with medical reasons	Vehicles designed for >11 people, farm vehicles, and rural mail carriers
North Dakota	Secondary for ages 18+; primary for those under 18	\$20		Ages 18+ in the front seat and those under 18 in all seats		Vehicles designed for >10 people
Ohio	Secondary	\$25		Front	Ages 4+	None
Oklahoma	Primary	\$20		Front	All	Farm vehicles, trucks, and recreational vehicles
Oregon	Primary	\$94		All	Ages 16+	Police and emergency vehicles in certain situations, newspaper and postal carriers, and public transit and meter vehicles

Table 2

Key Provisions of Safety Belt Use Laws (continued)

State or Territory ¹	Type of Law ²	Penalty		Coverage		
		Fine ³	Points	Seating Positions	Persons	Vehicles Exempted
Pennsylvania	Secondary	\$10		Ages 18+ in the front seat and ages 9-17 in all seats		Trucks over 7,000 lbs.
Rhode Island	Secondary	\$75		All	Ages 13+	None
South Carolina	Secondary	\$10		All, except the rear seat in vehicles that do not have belts in the rear seat.	Ages 6+	School buses and public buses
South Dakota	Secondary for ages 18+; primary for those under 18	\$20		Ages 18+ in the front seat and ages 5-17 in all seats, except persons with medical reasons		Buses, rural mail carriers, and newspaper and periodical delivery vehicles
Tennessee	Primary	\$10 - \$20		All	Ages 4+	Tractors and vehicles driven under 15 mph
Texas	Primary	\$25 - \$200		Front	All	Vehicles designed for >10 people, trucks over 15,000 lbs, and farm vehicles
Utah	Secondary for ages 18+; primary for those under 19	\$15 - \$45		All, except positions without belts when all belted positions are occupied	All except those with medical reasons	None
Vermont	Secondary for ages 18+; primary for those under 18	\$10		All	All	Buses and taxis
Virginia	Secondary	\$25		Front	Ages 16+	Vehicles designed for >10 people and taxis
Washington	Primary	\$101		All	All	Vehicles designed for >10 people
West Virginia	Secondary	\$25		Ages 18+ in the front seat and ages 9-17 in all seats		Vehicles designed for >10 people
Wisconsin	Secondary	\$10		All	Ages 4+	Survey vehicles, emergency vehicles, taxis, and vehicles delivering mail, delivering farm newspapers, transporting hunters, or making at least 10 stops per mile
Wyoming	Secondary	\$10 - \$25		All, except positions with out belts when all belted positions are occupied	Ages 5+, except those with a written medical excuse	Vehicles not required to have safety belts and postal vehicles
American Samoa	Primary	\$25		All	Ages 4+	None
Guam	Primary	\$50		Front	Ages 2+	None
Commonwealth of N. Mariana Islands	Primary	\$25		All	Ages 5+	Vehicles carrying large industrial construction equipment
Puerto Rico	Primary	\$50		All	All	None

¹ Laws as of October 2004. Most jurisdictions also have laws requiring that certain children be in child safety seats or booster seats. We do not present these laws here. Safety belt laws are more complex than can be conveyed in this Table, and so the reader should consult each State or Territory's law for its exact coverage and penalties.

² Motorists in jurisdictions with primary belt enforcement laws can be stopped and ticketed simply for not using a safety belt. Under a secondary law, motorists can only be ticketed for belt nonuse if they have been stopped for another infraction, such as an expired license tag.

³ The fines presented here are the fines on the ticket. They do not include court costs and surcharges.

Data Source

The data in this Research Note come from surveys conducted by States and Territories in accordance with criteria established by NHTSA to ensure accurate and consistent results. These criteria were set forth in Section 157, Title 23 of the U.S. Code, and took effect with the 1998 survey year. The main provision of the criteria is a requirement that the surveys observe actual traffic on the road at a set of sites chosen through probabilistic means. Other major elements of the criteria are summarized below. All 50 States, the District of Columbia, and Puerto Rico are eligible for a grant program administered through the Section 157 regulation. Each eligible State or Territory's compliance with the criteria is verified annually by NHTSA's National Center for Statistics and Analysis.

Using a probability sample removes possible biases associated with choosing observation sites subjectively. It also allows the computation of the margin of error of the use rates. The Section 157 surveys were designed so that the margin of error on statewide use is at most 10% of the use rate. E.g. the margin of error on a use rate of 80% is +/- 8 percentage points.

States and Territories may conduct their 2004 surveys at any time during the 2004 calendar year. However most of the 2004 surveys in this publication were conducted in June 2004, shortly after the conclusion of a nationwide media and enforcement campaign to encourage greater belt use. Information on this campaign, the Click It or Ticket campaign, will appear in an upcoming NHTSA Traffic Tech publication and report at www.nhtsa.dot.gov.

The results of the 2004 surveys in this publication are preliminary. As allowed by the Section 157 regulation, States and Territories may submit revised 2004 figures before March 2005. Results from prior survey years are final. Final 2004 figures will appear in next year's publication.

Safety belt use nationwide reached 80% in 2004, as measured by NHTSA's National Occupant Protection Use Survey (NOPUS). NOPUS provides NHTSA's official measure of nationwide use because it is the only probability-based observational survey of safety belt use in the United States. Additionally, NOPUS does not employ cost-saving restrictions allowed of the States and Territories in Section 157 (namely, the omission of up to 15% of low population areas and the permission to observe data solely at intersections

controlled by a stop sign or stoplight), and so provides a better measure of nationwide use than would be obtained by combining the use rates from the States and Territories.

Safety Belt Use Laws

Safety belt use in the United States is regulated and enforced at the State and local levels. The previous table presents key provisions of safety belt laws, which vary widely throughout the Nation in terms of vehicles covered, seating positions covered, and penalties for nonuse. In addition, cities or other localities within States and Territories may have laws stricter than those in this table.

Belt enforcement laws may be "primary" or "secondary". Under a primary belt law, motorists can be stopped and ticketed simply for belt nonuse. Under secondary laws, motorists must be stopped for another infraction, such as an expired license tag, before being ticketed for belt nonuse. In 2003, 20 States, Puerto Rico, and the District of Columbia had primary laws, 29 States had secondary laws, and one State (New Hampshire) effectively has no belt law, since motorists over age 17 can legally ride unbelted. The territories of American Samoa, Guam, and the Commonwealth of the North Mariana Islands also have primary laws. Tennessee changed from a secondary to a primary law, with the primary law taking effect in July 2004. This State saw a jump in use from 68.5% in 2003 to 72.0% in 2004. However the survey was conducted largely before the primary law took effect, and so greater gains may be realized in the 2005 survey.

Improvement in Rates

We measure improvement in safety belt use by examining the reduction in belt nonuse. For instance, an increase from 90% to 95% represents a 50% reduction in nonuse (i.e. nonuse was cut in half, from 10% nonuse to 5% nonuse). This provides a better measure of improvement than a straight percentage or percentage point increase in use, since e.g., a 10-point jump in use is considerably easier starting at 50% use than at 80% use, because a greater percentage of belt nonusers must be converted to users at the 80% rate. In fact, while not entirely accurate, given that a number of people use belts at some times and not others, it can be helpful to think of the percentage reduction in nonuse as the percent of nonusers who were "converted" to users. (Boyle et al., 2003)

In 2004, Arizona, Hawaii, Michigan, and Nevada showed the greatest improvement, each reducing nonuse by 30% or more over their 2003 rates.

References

Glasebrenner, D., *Safety Belt Use in 2004 – Overall Results*, National Highway Traffic Safety Administration, DOT HS 809 783, September 2004

Boyle, J., Vanderwolf, P., *2003 Motor Vehicle Occupant Safety Survey, Volume 3, Safety Belt Report*, National Highway Traffic Safety Administration, DOT HS 809 788, September 2003

For More Information

This publication is part of a series of Research Notes presenting data on safety belts, motorcycle helmets, child restraints, and driver cell phone use. Other publications in the series, such as "Safety Belt Use in 2004 – Overall Results" can be found at the Website <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/Avillnf.html>.

Summary of Survey Criteria from Section 157, Title 23, U.S. Code

Belt use rates from the States and Territories in this report are based on surveys conducted according to criteria issued in Section 157 of Title 23 of the United States Code. These criteria were established as part of an occupant protection incentive grant program for the 50 States, the District of Columbia, and Puerto Rico. The criteria are summarized below:

1. Estimates must be obtained through a survey using actual observation of occupant shoulder belt use in vehicles on roadways. Use rates determined from secondary sources, e.g., police crash reports or use reported through telephone surveys, are not permitted.
2. The survey must be probability based. Statistical procedures must be employed to select sites at which observations of shoulder belt use are made. Following probability-based sampling procedures permits estimates that are "representative" of the use rate in the desired population and makes it possible to calculate their standard errors.
3. The survey must be designed and conducted to permit estimating shoulder belt use for the following population of interest:
 - Front seat, outboard passengers, i.e., the driver and right front seat passenger.
 - All passenger motor vehicles, i.e., automobiles, pickup trucks, vans, minivans, and sport utility vehicles, must be observed, regardless of the State (or county) of registration.
 - Observational sites in the largest geographic areas (usually counties) in the State containing at least 85 percent of the State's population must be included in the sampling frame and have positive probability of selection. This criterion permits the exclusion of large, sparsely populated geographic areas where few observations are expected.
 - Observations must be conducted during all daylight hours and on all days of the week, and must be scheduled without regard to day-of-week and time-of-day (for daylight hours).
4. The survey must be designed to produce an overall estimate of shoulder belt use with a relative precision (the estimated sampling error of the use divided by the estimated use rate) of ± 5 percent. This ensures that there are a sufficient number of observation sites and observed vehicles to produce a statistically reliable estimate.
5. The survey design and results must be properly documented for evaluation of survey results by NHTSA and others and to determine compliance with Criteria 1-4 listed above.

Source: Section 157 of Title 23, United States Code.

